IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 899 of 2006 (M/B)

Than Singh S/o Bhagot Singh,
R/o Village Dabhar Joshikhola,
P.O. Betalghat, P.S. Betalghat,
Tehsil Betalghat, District Nainital. …… Petitioner

Versus

1. Tehsildar,
   Tehsil Betalghat, District Nainital.
2. SDM, Kosya-Kutoli,
   District Nainital.
3. SHO, P.S. Betalghat,
   District Nainital.
4. State of Uttaranchal,
   through Secretary, Home affairs,
   Uttaranchal, Dehradun. …….. Respondents

Mr. S.S. Negi, Advocate for the petitioner.
Mr. D.K. Sharma, Government Advocate for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. S.S. Negi, Advocate for the petitioner.

Mr. D.K. Sharma, Government Advocate for the respondents.

They are heard on admission.

2. Petitioner Than Singh has filed this writ petition for the following reliefs:

> "i) Issue a writ, order or direction in the nature of certiorari quashing the impugned chick report / F.I.R. dated 22.07.2006 under Section 3/7 of the E.C. Act 1955 lodged by respondent no. 1 Tehsildar to respondent no. 3 S.H.O., P.S. Betalghat, District Nainital in case crime No. 7 / 2006 (which is Annexure No. 7 to this writ petition).
>
> ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to arrest the petitioner during the pendency of this writ petition.
>
> iii) Issue a suitable writ, order or direction in the circumstances of the case which this Hon'ble Court deem fit and proper.

iv) Award the cost of the petitioner from the respondents to the petitioner."

3. The petitioner, who is the licensee of fair price shop at Village Dabhar Joshikhola, district Nainital, is apprehending his arrest for his alleged involvement in Crime No. 7 of 2006 registered at Police station Betalghat, District Nainital for the alleged commission of the offence punishable under Section 3/7 of the Essntial Commodities Act.

4. According to the First Information Report lodged by respondent No. 1 Tehsildar, Betalghat, the petitioner is alleged to have indulged in black marketing of the commodities meant for distribution to the ration card holders through his fair price shop.

5. On due consideration of the submissions of the learned counsel for the parties; the serious nature of the allegations against the petitioner and the huge quantity of food grains and sugar found in excess of the stock shown in the Stock Register of the petitioner's shop, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioner in the writ petition.

6. The writ petition, therefore, is liable to be dismissed summarily.

7. However, we deem it proper to direct that in the event of arrest of petitioner Than Singh by the police or his surrender before the court concerned, his bail petition shall be taken up for hearing in accordance with law without any undue delay .

8. With the above observation, the writ petition stands disposed of.

9. With the above order, CLMA No. 9488 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
28.07.2006 28.07.2006

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